

INSPECTOR'S STATEMENT- Event Violation
Minerals Regulatory Program

Company/Mine: Dennison Excavating LLC
 Permit #: S/039/0038

Violation # MC-2016-62-01
 Date Issued 7/27/2016

A. SERIOUSNESS

1. What type of event is applicable to the regulation cited? Refer to the DOGM reference list of event below and remember that **the event is NOT the same as the violation**. Mark and explain each event.

- ☒ a. Activity outside the approved permit area.
☒ b. Injury to the public (public safety).
☐ c. Damage to property.
☒ d. Conducting activities without appropriate approvals.
☒ e. Environmental harm.
☐ f. Water pollution.
☐ g. Loss of reclamation/revegetation potential.
☐ h. Reduced establishment, diverse and effective vegetative cover.
☐ i. Other.

Explanation: Mining was taking place outside of the permitted area, so b., d., and e. are automatic.

2. Has the event or damage occurred? **Yes**
 If yes, describe it. If no, what would cause it to occur and what is the probability of the event(s) occurring? (None, Unlikely, Likely).

Explanation: Mining was taking place outside of the permitted area.

3. Did any damage occur as a result of the violation? **Yes**
 If yes, describe the duration and extent of the damage or impact. How much damage may have occurred if the violation had not been discovered by a DOGM inspector? Describe this potential damage and whether or not it would extend off the disturbed and/or permit area.

Explanation: Approximately 4 acres had been disturbed without the appropriate Division permitting. Without having discovered the violation, more unpermitted disturbance outside the permit boundary would have likely occurred. Some of the disturbance area associated with property perimeter roads (approx. 0.6 acres) can be categorized as property development performed at the request of the landowner.

B. DEGREE OF FAULT (Check the statements which apply to the violation and discuss).

- ☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

- ☒ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care.

Explanation: The operator was aware that Division permission for expansion beyond the permitted area was needed. No submittal requesting expansion was received by the Division. The violation was the result of lack of reasonable care, at least, since in a stop work conference, he reported thinking that he had the Division's permission. It was never given for the events for which the violation was written.

- ☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

 Was the operator in violation of a specific permit condition?

Explanation: _____

 Has DOGM cited the violation in the past? If so, give the dates and the type of warning or enforcement action taken.

Explanation: _____

 X Was any economic benefit gained by the operator for failure to comply? Y If yes explain.Explanation: No amendment to the mine permit (including a possible need to increase reclamation surety) was acquired, allowing the operator to produce and sell more rapidly.**GOOD FAITH (only if violation has been terminated)**

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give date) and describe the measures the operator took to comply as rapidly as possible.

Explanation: _____

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV/CO? If yes, explain.

Explanation: _____

Peter Brinton
DOGM Inspector_____
Signature_____
Date